



Housing and Land Use Legislation

Political Subdivisions Interim Committee

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Context

- Utah is one of the fastest growing states in the country.
- Local governments have permitted more units in the past four years than any other period in state history (129,887).
- Local governments have more than 111,707 entitled (not permitted) residential units.
- Local governments have permitted more townhomes and apartments in the last three years than any three year period in state history.
- Significant housing/land use bills of the last five years:
 - 2018 - HB 259, HB 430, SB 136
 - 2019 - HB 119, SB 34
 - 2020 - SB 39
 - 2021 - HB 82, HB 1003, SB 164, SB 217
 - 2022 - HB 151, HB 303, HB 462, SB 140, SB 238

CHA/Land Use Task Force Legislation Overview


HB 364

Housing Affordability Amendments (Rep. Whyte)

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- Moderate income housing plans (MIHP)
 - Affordable housing funding (LIHTC)

SB 174

Local Land Use and Development Revisions (Sen. Fillmore)

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- Subdivision process changes
 - Internal ADUs
 - Consequences for MIHP non-compliance

HB 406

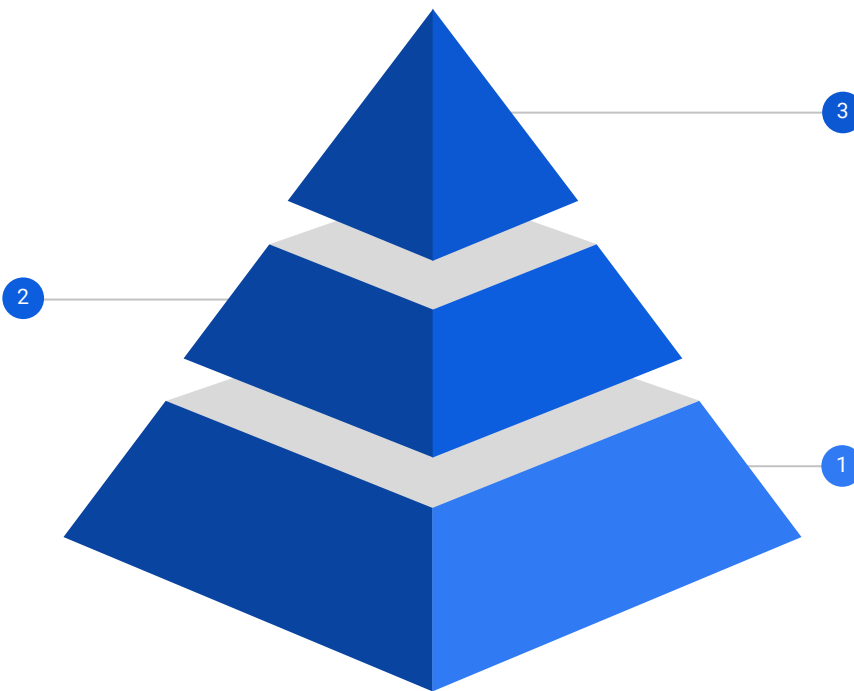
Land Use, Development, and Management Act Modifications (Rep. Whyte)

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- Annexation
 - Lot line adjustment
 - Public improvement (development) standards
 - Development agreements
 - Temporary land use regulations ("moratoriums")

Process

Commission (Subgroup) on Housing Affordability

The Commission on Housing Affordability was established during the 2018 General Session. It was restructured as a subgroup of the UEOC. Co-chaired by Sen. Lincoln Fillmore and Rep. Stephen Whyte.



Unified Economic Opportunity Commission

The Unified Economic Opportunity Commission is Chaired by Governor Spencer Cox. Comprised of legislators, members of executive branch, local government officials and other stakeholders.

Land Use Task Force

A working group composed of representatives from local governments (ULCT & UAC), the building and development community, realtors, and other land use experts.

HB 364 – Housing Affordability Amendments (Rep. Whyte)

HB 364 addresses the policy & administrative challenges that arose from HB 462 in 2022.

- Modifies the moderate income housing plan reporting timeline so that reports will be available prior to general session each year.
 - *Note: cities will not be reporting on full 12 months in 2023 report*
- Clarifies MIHP requirements and municipalities' reporting requirements to DWS & the process that will be followed.
 - Including a 90 day cure window if the plan or report is found deficient & 10 days to appeal the findings.
- Clarifies the definitions, use, transfer, and calculations of state low-income housing tax credits. Significant increase in program funding.

SB 174 - Local Land Use and Development Revisions (Sen. Fillmore)

SB 174 specifies the administrative process for subdivision approval, clarifies internal accessory dwelling unit provisions, and creates a penalty for local governments do not comply with MIHP requirements.

- All local governments must update their land use ordinances to make subdivision review and approval a two-step administrative process.
- Clarifies that attached garages may be IADUs if they meet habitability requirements.
- Provides that architectural design element requirements for IADUs must be consistent with requirements for other single family homes.
- Clarifies parking language and 25% exception option from HB 82 (2021).
- Assesses fee of \$250/day (\$500/day in 2025) to cities who fail to comply with MIHP requirements.

SB 174 Cont'd: Subdivisions

SB 174 does:

- Make subdivision application approval administrative.
- Provide time clocks and limits on reviews.
- Preserve the option for applicants to request a pre-application meeting.
- Apply to all new single family, twinhome, and townhome subdivisions.

SB 174 does not:

- Remove legislative authority to zone or otherwise establish regulations for new subdivisions.
- Remove public comment from the planning, zoning, or preliminary approval steps.

SB 174 Legislative and Administrative Roles on Subdivisions

Legislative: general plan

- **SB 174: no change to public process**

Legislative: zoning

- Zoning map
- Leg action: land use authority recommends to the legislative body
- Robust community engagement process w/public hearings
- **SB 174: no change to public process**

Administrative: preliminary subdivision

- Application congruent w/general plan & zoning map
- Required to meet shot clocks w/4 rounds of review
- City may approve or deny
- **SB 174: may have 1 public hearing for prelim. application**

Administrative: final subdivision review

SB 174: Approve or deny the subdivision based on standards and not in a public hearing

HOWEVER, if application is not congruent with the general plan or zoning map, then would still need legislative approval

HB 406 Land Use, Development, and Management Act Modifications (Rep. Whyte)

HB 406 creates a statewide standard (with some exceptions) for residential road widths, prohibits “moratorium stacking” and makes several other technical changes.

- Modifies the definition of rural real property for the purposes of annexation petition protests
- Allows municipalities to reconsider a decision denying an annexation petition
- Allows a boundary adjustment commission to consider a petitioner’s or affected property owner’s preferences when considering an annexation petition protest
- Restricts municipalities from requiring *residential* road widths in new development to be constructed in excess of 32’ with certain exceptions.
- Clarifies restrictions on public landscaping bonds
- Prohibits municipalities from applying temporary land use regulations to applications after development moratoriums lapse if moratoria restricted the application.
- Creates additional advisory requirements for development agreements
- Makes a number of other technical land use changes.

HB 406 Cont'd: Public Improvement Standards & Moratoriums

Public Improvement Standards

- Defines “residential cross section” in state code.
- Prohibits local governments from requiring more than 32' of roadwidth (asphalt) unless certain exceptions are met.
- Creates a process to arbitrate technical disputes between engineers.

Moratoriums

- Prohibits local governments from “stacking” temporary land use regulations.

Outcomes

Local governments plan for housing, but they do not build it.

Process

Subdivision requirements in SB 174 create a more efficient process for land use applicants while preserving the legislative role of local governments and community input.

Predictability

SB 174 and HB 406 create more consistent and predictable processes for property owners, community members, and development partners across the state.

Partnership

The state respected the role of local governments and invested significantly in infrastructure to accommodate growth.

Appropriations

- Local Administrative Advisor: **\$1.58m** ongoing
- State Contribution to the Homeless Mitigation Fund: **\$2.5m** one time in addition to the \$5m ongoing
- Implementation support for land use changes (particularly subdivisions and MIHP: **\$4m** one time

ULCT is working collaboratively with:

- The Utah State Legislature
- Governor's Office of Planning and Budget (GOPB)
- The AOGs (BRAG, WFRC, MAG, Uintah Basin, SEUALG, 6 County, and 5 County)
- Utah City/County Management Association (UCMA)
- Other stakeholders

If you are interested in participating or have any questions or suggestions, please contact:

- Gary Whatcott: gwhatcott@ulct.org
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Learn more at www.ulct.org/LAA

Other Notable Housing/Land Use Bills

- SB 199 - Local Land Use Amendments (Sen. McKell)
 - *Made unanimous local government land use decisions non-referable.*
- SB 240 - First-time Homebuyer Assistance Program (Pres. Adams)
 - *Created the a new program to assist first-time home buyers and incentivize the market towards a more affordable product.*
- SB 84 - Housing and Transit Reinvestment Zones (Sen. Harper)
 - *Makes several technical changes to housing and transit reinvestment zones (HTRZ).*
- SB 271 - Home Ownership Requirements (Sen. McKell)
 - *Prohibits local governments from adopting or enforcing a land use ordinance that regulates co-owned homes different than other residential units.*
- HB 499 - Homeless Services Amendments (Rep. Eliason)
 - *Clarifies and expands winter response plans, creates "code blue" provisions and increases the shelter city mitigation fund.*

What Comes Next? Framing Questions for Future Bills

1. How does the proposal preserve the **quality of life** of current and future residents?
2. How does the proposal allocate the current and future costs, and ensure the sustainability of **infrastructure**?
3. Will the proposal result in more housing units that are more directly **affordable** to the buyer or renter?
4. Will the proposal result in more home **ownership**?

Questions?

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